

## CHAPTER IV

### INDIAN LIFE — THE STANBERRY AFFAIR

HOUSTON went by steamboat to the mouth of the Arkansas, not being recognized on the way except at Napoleon, where he was seen by a friend from whom he exacted a promise not to betray his identity ; from thence he traveled by way of Little Rock, where he addressed a farewell letter to General Jackson, to the mouth of the Illinois Bayou, which flows into the Arkansas about thirty miles below Fort Gibson. Here was a settlement of the Cherokees, who had preceded the forced emigration of the tribe in 1838, and settled in Arkansas and the Indian Territory. A treaty had been made on their behalf with the Osages in order to secure them a location, and, after some quarrels and skirmishes with that tribe, they had settled into permanent and peaceful residence.

At the mouth of the Illinois was Tah-lon-tees-kee, the principal town and council house of the tribe, and the residence of Oo-loo-tee-kah, or, as he was better known by his English name, John Jolly, the sub-chief, who had received Houston into his family when a boy in Tennessee, and had now become the principal chief of the western fragment of the tribe. He gave a hearty welcome to his adopted son in his

second flight for refuge among the tribe, and Houston took up his residence with him, resuming his Indian name of Co-lon-neh, or the Raven, and the dress and habits of the savage. The chief, John Jolly, is described as a man of great intelligence and force of character, and was at that time about sixty years of age, of massive frame, although not tall, with a rotund but commanding countenance, and his long locks plentifully sprinkled with gray. He spoke no English, and had none of the civilized education which some of the members of the tribe at that time possessed. His cabin was under a magnificent grove of cottonwoods and sycamores at the confluence of the streams, and he cultivated a clearing and kept a large herd of cattle, his wealth also comprising twelve negro slaves, whom he had brought with him from Tennessee. He lived in the patriarchal Indian fashion, and he and Houston have been seen seated on the floor together, feeding with their spoons from the trough of ka-nau-hee-na, or hominy boiled to the consistency of paste, which was always kept replenished in the centre of the cabin.

Houston lived with John Jolly for upward of a year, was formally adopted as a member of the tribe, and took part in its counsels and deliberations. At this time the eastern Cherokees had adopted a system of government with a constitution and laws after the model of those of their white neighbors; but the western Cherokees still managed their affairs after the aboriginal fashion. They had a principal chief and

sub-chiefs, who were the natural leaders in war and council, but their authority was very limited, and the actual government was by a republic in which the tribe decided all matters of importance by discussion and vote in a general council. The chief matters decided at the sessions of the council, which were held in an open shed, roofed with branches, were the relations of the tribe with the United States, as represented by its agents and contractors, and with neighboring Indian tribes, propositions for grants of land to missionary stations and schools, the maintenance of formal intercourse with the eastern Cherokees, and such matters; and it also administered a rude justice for murder and theft by the bullet and the lash.

It is said that Houston did not take a very prominent part in the deliberations of the council, and this was probably due to that feeling of jealousy toward the members of an alien race which would be natural among the native Indians. He preserved the fondness for dress and display among the Indians which he had shown among the whites. The Cherokees did not paint their faces and wear scalp-locks like their neighbors, the Osages, but they wore the blankets, buckskin hunting-shirts, leggings and moccasins, and adorned their hair with the feathers of the eagle and wild turkey. On state occasions Houston appeared in all the glory of an Indian brave. He has been described as wearing in full dress a white hunting-shirt brilliantly embroidered, yellow leggings,

and moccasins elaborately worked with beads, a huge red blanket, and a circlet of turkey feathers around his head. He let his hair grow, and wore it in a long queue which hung down his back, and wore his beard on his chin, shaving the rest of his face. The Indians are very quick to ridicule any tricks of ways and manners, and Houston's theatrical dignity and splendor did not escape their satire. On one occasion at a council meeting they arrayed a negro in a caricature of his attire, and stationed him behind his seat, where he imitated his pose and manner to the great glee of the assembly. Houston bore the presence of his imitator with shrewd indifference, and the joke was not repeated.

Houston did not sink out of sight, or at least out of the public attention, after he had buried himself in the forests of the Indian Territory. His reputation, and the dramatic manner of his disappearance from public life, made his name the subject of wild conjecture and rumor, and he was credited with being the centre of all sorts of enterprises and conspiracies. Among them was a scheme for the invasion of a province of Mexico by a force of Cherokee Indians, and this took such definite form as to be regarded with some uneasiness by President Jackson, who instructed a government agent in Arkansas to report to him on the subject, and wrote to Houston a letter alluding to it, which also shows Jackson's unfaltering confidence in his friend and his sympathy with his misfortunes. Jackson wrote : —

“It has been communicated to me that you had the illegal enterprise in view of conquering Texas ; that you had declared that you would, in less than two years, be *emperor* of that country by conquest. I must really have thought you deranged to have believed you had so wild a scheme in contemplation ; and, particularly, when it was communicated that the physical force to be employed was the Cherokee Indians ! Indeed, my dear sir, I cannot believe you have any such chimerical, visionary scheme in view. Your pledge of honor to the contrary is a sufficient guarantee that you will never engage in any enterprise injurious to your country, or that would tarnish your fame. . . . My affliction was great and as much as I could well bear, when I parted from you on the 18th of January last. I then viewed you as on the brink of happiness and rejoiced. About to be united in marriage to a beautiful young lady, of accomplished manners and of respectable connections, and of your own selection, — you, the Governor of the State and holding the affections of the people ; these were your prospects, when I shook you by the hand and *bade you farewell !* You can well judge my astonishment and grief in receiving a letter from you, dated at Little Rock, A. T. conveying the sad intelligence that you were then a private citizen, *an exile from your country*. What reverse of fortune ! How unstable are human affairs ! ”

Houston himself occasionally reappeared in public life to take a part in affairs. He found that the

Indians were being outrageously swindled, as they have generally been, by the agents and contractors. The Cherokees, who had been induced to give up some lands on the Lower Arkansas, were to receive twenty-eight dollars per head for the exchange. The agents who were to pay them issued certificates, which they redeemed themselves for trifling sums, or, in Houston's words, "for a Mackinaw blanket, a flask of powder, or a bottle of whiskey." These frauds and others aroused Houston's indignation, and in 1830 he accompanied a delegation of the Cherokees to Washington, where his representations and evidence resulted in the removal of five agents, and caused the bitter hostility of the Indian ring. Houston himself became a bidder for the contract to supply the Indians with rations. The price which he bid was eighteen cents, and he secured a wealthy partner in New York to carry out the contract. A clamor was raised by the representatives of the Indian ring, including Thomas L. McKinney, the head clerk of the Indian Bureau, whose connection with the discredited Indian "factory system" had not been above suspicion. General Duff Green, as a self-constituted adviser and factotum of President Jackson, took it upon himself to remonstrate, stating that the rations could be furnished for ten or twelve cents, and the contract was not given to Houston. Houston's whole career is unstained by any charge of pecuniary dishonesty or greed, and he put aside many temptations to accumulate a fortune which were thrust upon him, while at the head of

affairs in Texas, and he was also a sincere friend of the Indians. It is fair to assume that his intentions in regard to the contract were honest, and that it was his purpose to furnish rations of a good quality and at a fair price, and not, as so many of the contractors did, of damaged flour and rotten meat, recouping themselves for their nominally low prices in the many ways familiar to the Indian ring. The scandal of the rejected contract followed Houston, and was exploited in the partisan newspapers to the discredit of himself and his assumed patron, President Jackson. Houston issued a silly and bombastic "proclamation," dated Nashville, July 13, 1831, in which he promised immunity to all his slanderers, and "a gilt copy (bound in sheep) of the 'Kentucky Register,' or a snug, plain copy (bound in dog) of the 'United States Telegraph,'" to the most successful. But the attacks did not cease, and finally led to an event which gave him renewed, if doubtful, notoriety, and evinced his fiery, if calculating, passion.

In 1832 Houston was again in Washington. On March 31, Hon. William Stanberry, Representative in Congress from Ohio, in the course of a debate, which lasted several days, on charges of misconduct against the Collector of Wiscasset, made a general attack upon the Administration, in which he said, "Was not the late Secretary of War (Eaton) removed because of his attempt fraudulently to give to Governor Houston the contract for Indian rations?" Houston took fire at the allusion, and sent a note to Stanberry by his

friend Cave Johnson of Tennessee, demanding to know if his name had been used, and if the remarks were correctly reported. To this note Stanberry replied to Johnson saying that he had received a note from his hands, signed Sam Houston, and that he could not recognize the right of Houston to any such information. Houston was excessively angry at Stanberry's refusal to reply to his demand, and particularly at that portion which said "a note signed Sam Houston," as though he was an unknown or insignificant individual, and said: "I will introduce myself to the damned rascal." He declared that he would whip Stanberry on sight, as he knew he would not accept a challenge. Johnson endeavored to persuade Houston to abandon his purpose, representing to him that an assault for words spoken in debate would be a breach of the privileges of the House. He then informed Stanberry of Houston's threats, and "washed his hands of the affair." Stanberry armed himself in anticipation of the assault, and Houston repossessed himself of a young hickory cane, which he had cut in the grounds of the Hermitage and given to a friend in Georgetown.

The encounter, when it actually took place, was apparently in a measure accidental, although both parties had been prepared for it. On the evening of April 13, Houston had been in the room of Senator Felix Grundy of Tennessee, in company with Senator Alexander Buckner of Missouri and Representative John C. Blair of Tennessee, and left it in company with the two latter. After walking up Pennsylvania

Avenue some distance "in light conversation," Blair said they had gone half way with Houston, and that to be polite he ought to turn about and go back with them. Houston excused himself on the ground that he had company. As they stood there a man was seen crossing the avenue, and Blair, who had recognized him as Stanberry, walked rapidly off. As the man stepped on the sidewalk, Houston asked him if his name was Stanberry, and, on the reply that it was, said, "You are a damned rascal," and struck with his stick. The affray lasted for several minutes, Houston attempting to throw Stanberry, who dragged him about the sidewalk, and finally succeeding in knocking him down and beating him severely. As Stanberry lay on his back under the blows of Houston, he drew a pistol and aimed it at Houston's breast, but it snapped without exploding, and Houston wrenched it from his hands. Stanberry at length lay motionless, and Buckner, who had stood by while the beating was being administered, said that he was about to interfere, when Houston stopped of his own accord, and walked off. It does not appear that Houston was armed.

The next day Stanberry addressed a note to the Speaker, saying that he had been waylaid and beaten the previous evening with a bludgeon, by Governor Houston, for words spoken in debate, and that he was confined to his boarding-house in consequence, and asking that the information be laid before the House. The note was read by the Speaker. A resolution was offered for the arrest of Houston by the sergeant-at-

arms, which was opposed by Mr. Polk and others of the Jackson party, who claimed that a committee of inquiry would be sufficient. The resolution was adopted by a vote of 146 to 25. Houston was arrested by the sergeant-at-arms, and brought to the bar of the House, April 16. He was informed by the Speaker that he could have time to procure counsel and witnesses. Houston replied that he desired no counsel, but twenty-four hours in which to prepare his answer. He changed his mind about counsel, however, and appeared, accompanied by Francis Scott Key. In reply to the interrogatory of the Speaker presenting the charge, Houston admitted that he did assault and beat Stanberry on accidentally meeting him, but denied that the assault involved a breach of the privileges of the House. The trial lasted for a month, including the examination of witnesses and the debates. Houston's counsel argued that the assault was not a breach of legislative privilege, which could only protect a member when in the actual discharge of his functions. Houston made a spirited and passionate speech in defense of himself. It was evidently carefully prepared, and contained many allusions to Draco, Caligula, and other classical figures, in the oratorical fashion of those days, and a good deal of bombastical and theatrical rhetoric. But it was really vigorous and eloquent, and, carried off by Houston's splendid physique and commanding demeanor, doubtless produced a deeply sensational effect. He denied that he had lain in wait like an assassin to commit the assault.

“If,” said he, “when deeply wronged, I have followed the generous impulses of my heart, have violated the laws of my country and the privileges of this honorable body, I am willing to be held to my responsibility for so doing.” In regard to the charges that he was a “man of ruined fortune and blasted reputation,” he said: “Though the ploughshare of ruin has been driven over me, and laid waste my brightest hopes, yet I am proud to think that under all circumstances I have endeavored to maintain the laws of my country, and to support her institutions. Whatever may be the opinion of gentlemen in relation to these matters, I am here to be tried for a substantive offense, disconnected entirely with my former life or circumstances. I have only to say to those who rebuke me at this time, when they see adversity sorely pressing upon me, for myself,

“‘I ask no sympathies, nor need;  
The thorns which I have reaped are of the tree  
I planted. They have torn me, and I bleed.’”

He asserted that his attack upon Stanberry was not for words spoken in debate, but for their publication in the “National Intelligencer,” and the refusal to answer his note demanding an explanation; and argued that a member forfeits the privilege “when he brands a private citizen as a fraudulent villain in the face of the whole world, and renders himself answerable to the party aggrieved.”

A resolution was offered that Samuel Houston be discharged from the custody of the sergeant-at-arms,

and another that he had been guilty of a breach of the privileges of the House. The debate lasted for several days, turning mainly upon the cheap quibble of whether the assault had been for the words spoken in debate or for their publication in the newspaper. The friends of the Administration rallied to the defense of Houston, who had the outspoken approval of President Jackson, who said that "after a few more examples of the same kind, members of Congress would learn to keep civil tongues in their heads;" but the case was too flagrant, and a resolution that Samuel Houston be brought to the bar and reprimanded by the Speaker was passed by a vote of 106 to 89. An addition that he be excluded from the privileges of the floor as an ex-Representative was lost by a vote of 90 to 101. On Monday, May 18, the day fixed for the delivery of the reprimand, Houston presented a paper protesting against the sentence as unconstitutional, if not on the ground of an "unusual punishment," yet as inconsistent with our institutions and unfit to be inflicted on a free citizen, but concluding "that he would suffer in silent patience whatever the House may think proper to inflict." The Speaker, Hon. Andrew Stevenson, of Virginia, administered the reprimand in a very mild and perfunctory manner, saying, "Whatever the motives and causes may have been which led to this act of violence committed by you, your conduct has been pronounced by a solemn judgment of the House to be a high breach of their rights and privileges, and to demand

their marked disapprobation and censure . . . and in obedience to the order of the House I reprimand you accordingly."

A committee, of which Mr. Stanberry was a member, was appointed to investigate the affair of the contract, and it made a report acquitting Houston of any fraudulent intent. A charge of assault and battery was brought against Houston in the courts, and he was convicted and sentenced to pay a fine of \$500. This fine was remitted by President Jackson, — "divers good and sufficient reasons moving me thereto," which were not given, — and this ended the affair.

There is no doubt that Houston's assault on Stanberry, ruffianly and barbarous as it was, increased his popularity in the Jackson party, and in the frontier communities, who regarded violence as the proper way in which to reply to insult. The vote in the House showed how far the sentiment of nearly a majority of the members was from being in disapproval of such an act, although it was an attack upon their own privileges of debate. Houston, on his return to the Indian Territory through Tennessee, received an ovation, and was pressed to remain and reënter public life. He never expressed any regret for the occurrence, but, on the contrary, said, in alluding to it: "I was dying out once, and had they taken me before a justice of peace and fined me ten dollars for assault and battery it would have killed me; but they gave me a national tribu-

nal for a theatre, and that set me up again." This remark might lead to the shrewd suspicion that there was some calculation as well as anger in Houston's attack on Stanberry.

During Houston's residence in the Indian Territory, he fell in love with a Cherokee woman, named Tyania Rodgers. She was a half-breed, of great personal beauty, and as tall and stately for a woman as Houston was for a man. He took up with her in the Indian fashion as his wife, and, leaving the abode of his friend, John Jolly, he established himself on the west bank of Grand River, nearly opposite Fort Gibson. Here he made a small clearing and built a log cabin. He established a small trading-post, and combined this occupation with some slatternly farming and stock-raising. At this time Houston had sunk to a low depth of degradation in personal habits. His tall form was often seen stretched in a state of helpless intoxication in the paths about the cantonment of Fort Gibson, and the Indians changed his name of Co-lon-neh to the more expressive one of "Big Drunk." One who was in his employ at the trading post has said that Houston's life was marked by fits of deep melancholy, which he would relieve by stupefying indulgence in liquor; after the effects of the debauch had passed he would for a time be his ordinary cheerful self again. These fits of despondency and excesses were the natural consequences of his sense of degradation and failure in life, and showed the stirrings of his better spirit, too strong and manly

to sink absolutely and hopelessly to the level of the border "squaw man." On one occasion Houston and his chief assistant quarreled, while under the influence of liquor, and the assistant challenged Houston. On being remonstrated with for accepting the challenge of an employee, Houston said that he had always treated him like a gentleman, and he was entitled to a gentleman's satisfaction if he considered himself injured. The duel took place, and several shots were exchanged, but the seconds had considerably failed to put any bullets in the pistols, and no one was injured. Houston had no children by his Indian wife. That he was sincerely attached to her was manifested by the fact that he sent for her to join him after his removal to Texas; but she refused to leave her people, and died a few years afterward in the home which he had made.

Houston was justly regarded by the Cherokees as their sincere and efficient friend. He not only procured the removal of swindling agents, while living among them, but defended their rights by treaties when in power in Texas, and performed many valuable services in their behalf while a Senator of the United States. The delegations of the tribe were always welcome to his rooms in Washington, and he spent what were, doubtless, some of his pleasantest evenings, while they were seated around him on the floor in council and talk. His memory is still fresh among them, and his name is perpetuated as an honored patronymic like that of William Penn.

But from this scene of unworthy degradation he was summoned to take part in a noble and stirring drama, and to redeem his name and fame by services and achievements beyond even the brilliant promise of his early years.